

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

WESTERN DISTRICT OF TN

LAURA CRANFILL, Individually and
LAURA CRANFILL and STEVEN CRANFILL
as next of kin of TYLER CRANFILL, deceased
and KATIE CRANFILL, a minor,

Plaintiffs,

vs

BREW BROTHERS, INC., a Tennessee
Corporation, JERRY GAY, Individually,
MIKE JONES, Individually

Defendants.

FILED IN OPEN COURT:

DATE: 10/12/05

TIME: 9:32 a.m.

INITIALS: lu

NO. 1-04-1147-T/AN

ORDER APPROVING JOINT PETITION FOR APPROVAL OF MINOR SETTLEMENT

This cause came on to be heard on the Joint Petition for Approval of Minor Settlement filed in this cause, the testimony of Laura Cranfill, mother and natural guardian of Katie Cranfill, a minor, the testimony of Katie Cranfill, a minor, upon the medical reports filed in this cause, statements of counsel for the parties, the recommendations and report of the appointed Guardian ad Litem, Attorney Robert V. Redding, and the entire record from all of which it appears to the Court as follows:

1. That said Minor Petitioner, is age twelve (12), residing with her mother and natural guardian, Laura Cranfill, in Texas.
2. That on or about July 22, 2003, said minor was involved in an automobile accident on Interstate 40 in Jackson, Tennessee and that as a result, the Minor Plaintiff

suffered injuries and damages as are more fully set out in the Joint Petition and in the medical records filed in this cause.

3. That a compromise settlement has been reached as to all claims involving all parties, with the parties proposing that \$200,000.00 of the total settlement consideration be apportioned to the claims of the Minor Plaintiff, Katie Cranfill.

4. That the terms of the proposed settlement for the claims of Katie Cranfill, a minor, are that the Defendants fund a periodic payment "structured settlement" as contemplated in a Settlement Agreement executed by the parties in full, complete and final settlement of any and all claims of said minor, including claims that have or could have been asserted pertaining to her injuries by her parents, guardians, or other assigns, as follows:

Payee: Katie Cranfill:

- (1) Beginning 04/01/2011, \$12,500.00 semi-annually for 4 years certain only (8 guaranteed payments);
- (2) Beginning 11/02/2015, \$750.00 monthly for 10 years only (120 guaranteed payments); and
- (3) Beginning 11/02/2025, \$1,096.86 monthly for 40 years certain and life thereafter (480 guaranteed payments).

5. The Defendants' obligation to make the periodic payments described herein, at a cost of \$200,000.00, will be assigned through a "qualified assignment" within the meaning and subject to the conditions of Section 130 (c) of the Internal Revenue Code of 1986, to Prudential Assigned Settlement Services Corporation (PASSCorp) and funded by an annuity contract issued by Prudential Insurance

Company of America, an A.M. Best A+, class size XV rated carrier. The total guaranteed payout under the annuity is \$716,493.00.

6. That pursuant to the terms of the proposed settlement all subrogation claims, expenses, liens and attorney's fees as to such claims will be satisfied out of the remaining settlement proceeds.

7. That the mother and natural guardian of said minor has expressed to this Court her feelings and opinions that said settlement is fair and reasonable and in the manifest best interest of said minor child.

8. That the Court appointed Guardian ad Litem, Attorney Robert V. Redding, has recommended in his report and to the Court that the proposed settlement is in the best interest of the Minor Plaintiff and should be approved.

9. That settlement is to include any and all claims of the parents or guardians for past and future medical expenses incurred, loss of services and inconveniences suffered as a result of the injuries and damages suffered by the Minor Plaintiff, and the parents' and natural guardians' efforts to effect for the minor a swift and successful recovery.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court:

1. That the proposed structured settlement as set forth above, with a total cost of \$200,000.00, is hereby approved, the same being in the opinion of this Court, a fair and reasonable settlement and in the manifest best interest of said minor.

2. That upon approval of this settlement and funding of the structured settlement as set forth above, Defendants will be released of any and all further liability from any and all claims and possible future claims of the Minor Plaintiff, or by anyone

on her behalf, or alleging claims resulting from injuries to the said Minor Plaintiff, herein as a result of the accident of July 22, 2003.

JUDGE:

DATE:

James D. Todd

12 October 2005

APPROVED:

**GLASSMAN, EDWARDS, WADE
& WYATT, P.C.**

By:

Tim Edwards
TIM EDWARDS - #5353

By:

James F. Horner
JAMES F. HORNER - #16152

Attorneys for Plaintiffs
26 North Second Street
Memphis, TN 38103
(901) 527-4673 – (File #02-209)

Mickey J. Blanks, Esq.
Blanks, Greenfield & Rhodes
122 North Main at Calhoun
P.O. Box 867
Temple, Texas 76503-0867

Suzan R. Shatto, Esq.
2708 W. Seventh Street
Fort Worth, Texas 78107

Buckner Wellford
Buckner Wellford, Esq. #9687
Attorney for Defendants
First Tennessee Building
165 Madison Avenue, Suite 2000
Memphis Tennessee 38103
(901) 577-2152



Notice of Distribution

This notice confirms a copy of the document docketed as number 54 in case 1:04-CV-01147 was distributed by fax, mail, or direct printing on October 17, 2005 to the parties listed.

Leo Maurice Bearman
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Tim Edwards
GLASSMAN EDWARDS WADE & WYATT, P.C.
26 N. Second Street
Memphis, TN 38103

Dale H. Tuttle
GLASSMAN JETER EDWARD & WADE
26 N. Second Street
Memphis, TN 38103

Mickey J. Blanks
BLANKS GREENFIELD & RHODES
P.O. Box 867
Temple, TX 76503--086

Buckner Wellford
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Michael E. Keeney
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

James F. Horner
GLASSMAN EDWARDS WADE & WYATT, P.C.
26 N. Second Street
Memphis, TN 38103

Robert Redding
ARMSTRONG ALLEN, PLLC
464 North Parkway
Ste. A
Jackson, TN 38305

Mickey J. Blanks
BLANKS GREENFIELD & RHODES
122 N. Main at Calhoun
Temple, TX 76503--086

Jay C. English
ENGLISH & ASSOCIATES
1201 Main St.
Ste. 1414
Dallas, TX 75202

J. Kimbrough Johnson
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Honorable James Todd
US DISTRICT COURT